



## Recommendation for Action

**File #:** 20-3496, **Agenda Item #:** 39.

12/3/2020

### Posting Language

Approve an ordinance waiving fees in an amount not to exceed \$1,700,000, for a total amount of fees waived not to exceed \$12,000,000, setting a fee schedule for temporary use of right-of-way fees, and authorizing an amendment to the interlocal cooperation agreement with the Texas facilities commission related to the construction of phase one of the 2016 Texas Capitol Complex Master Plan.

### Lead Department

Austin Transportation Department

### Fiscal Note

Approval of this item will result in \$1,700,000 in unrealized revenue to the Austin Transportation Department, to be waived over multiple fiscal years. A fiscal note is attached.

### Prior Council Action:

June 22, 2017: An ordinance authorizing negotiation of an interlocal agreement with the State of Texas, acting by and through the Texas Facilities Commission, for development of Phase One of the 2016 Texas Capitol Complex Master Plan was approved on a 6-2 vote with Council Members Houston and Kitchen voting nay, Council Members Garza and pool abstaining, and Council Member Troxclair absent.

December 14, 2017 - An ordinance authorizing execution of an interlocal agreement with the Texas Facilities Commission for development of Phase One of the 2016 Texas Capitol Complex Master Plan was approved on a 9-1 vote with Council Member Houston voting nay and Council member Pool abstaining.

Ordinance No. 20171214-090 - An ordinance waiving fees in an amount not to exceed \$6,800,000.00 and requirements related to the vacation of right-of-way, associated with the development of Phase One of the 2016 Texas Capitol Complex Master Plan, was approved on a 9-1 vote with Council member Houston voting nay and Council Member Pool abstaining.

Ordinance No. 20180809-030 - An ordinance approving vacating approximately 4.44 acres of certain portions of Congress Avenue, 16th Street, 17th Street, and 18th Street, all out of Division E of the Government Tract adjoining the Original City of Austin, to the Texas Facilities Commission, and waiving City Code Sections 14-11-74 (Appraisal of Property) and 14-11-75 (Payment for Right-of-Way), was approved on consent on an 11-0 vote.

Ordinance No. 20200123-56 - An ordinance approving waiving fees in an amount not to exceed \$3,500,000, related to the development of Phase One of the 2016 Texas Capitol Complex Master Plan was approved on consent on a 10-0 vote with Mayor Adler absent.

### For More Information:

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### Additional Backup Information:

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In response to a request from the State of Texas, Council authorized negotiation and execution of an interlocal agreement with the Texas Facilities Commission (TFC) for development of Phase One of the 2016 Texas Capitol Complex Master Plan in 2017.

This item proposes an amendment to the interlocal to waive additional right-of-way permit (TURP) fees incurred between November 2020 and May 2022 using the Tier 1 fee structure, in an amount not to exceed \$1,700,000. Pursuant to the interlocal agreement, the amount of fees waived will be added as a credit to the City on the ledger maintained between TFC (and formerly, the General Services Commission) and the City.

This request does not include waiver of fees assessed that cover the costs of providing City services. All cost-of-service fees will be collected.

The TFC and the City are working together according to the terms of the interlocal agreement, and in that capacity have determined that certain modifications to the agreement will be required, including provisions related to tree planting requirements, the Central Utility Plant expansion and utility tunnels, one to two-way conversion of 18<sup>th</sup> Street, and bike share stations.

Finally, the amendment transitions future staff support on this interlocal agreement from Development Services Department (DSD) to Austin Transportation Department (ATD). While DSD was the original convening department, at this time, project needs are primarily within the purview of ATD. DSD will continue to provide support and assistance to ensure a smooth transition once the amendment is approved and executed and for the continued development of Phase One of the 2016 Capitol Complex Master Plan.

Staff recommends approval of this request.

**Strategic Outcome(s):**

Mobility; Government that Works for All; Economic Opportunity and Affordability